

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Rahr Well and PPL 2013

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0020-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0020-EA
	DATE POSTED: 10/12/2012
NAME: Rahr Well and PPL 2013 EA	DATE DUE: 10/24/2012
	FUNDING: 8100
LOCATION: T.16N R.55E Sec. 2 Dawson County See attached Map	Rahr Well # 015690 Rahr Pipeline # 015691

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Josh Halpin	Rangeland Management Specialist	Completion

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Kent Undlin	Wildlife Biologist	Wildlife Review	12/20/12 KU
Doug Melton	Archaeology	Cultural	12/11/12 DM Cultural Report MT-020-12-355
Dena Lang	Outdoor Recreation Planner	VRM	12/12/12 DJL
Reyer Rens	Supervisory RMS	Review	RR 12/28/2012



ENVIRONMENTAL COORDINATOR

1/3/2013
DATE

ENVIRONMENTAL ASSESSMENT

PROPOSED ACTION/TITLE TYPE: Rahr Well and PPL 2013 EA

EA NUMBER: DOI-BLM-MT-C020-2013-0020-EA

RIPS NUMBER: Rahr Well: 015690

Rahr Pipeline # 015691

LOCATION OF PROPOSED ACTION:

Rahr Well T.16N., R.55E., Sec. 2

Rahr Pipeline T.16N., R.55E., Sec. 2

Dawson County

See attached Map

PREPARING OFFICE: Miles City Field Office

DATE OF PREPARATION: 10/12/2012

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Big Dry RMP ROD approved in 1996, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...” Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD says “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

SCOPING: This project was posted on Montana/Dakotas BLM webpage on 10/29/2012 for public information requests. Internal scoping identified the issues below. No issues were brought forth by the public.

ISSUES IDENTIFIED THROUGH SCOPING:

- Cultural:
- Livestock Grazing:
- Vegetation:
 - Effects on native vegetation
- Wildlife:
 - Effects to crucial winter range habitats

PURPOSE AND NEED: The purpose of the Environmental Assessment is to analyze the effects of improved livestock use patterns and reliable livestock water resources on public land in the Rahr Allotment. The need is to replace or augment the current livestock watering facilities. Current livestock reservoir and pits are not keeping up with livestock needs and the pipeline is needed to distribute livestock use across larger areas. The improved watering facilities will help the allotment continue to meet the Standards for Rangeland Health under current permitted management practices.

PROPOSED ACTION: The Bureau of Land Management proposes to design, contract and inspect, upon completion, the drilling and casing of one well and installation of one pipeline. The permittee would be required to furnish the pumping systems, overflow systems and a minimum of a 1,000 gallon livestock water tank for the well. The permittee would also be required to furnish a minimum of a 1,000 gallon livestock water tank at the watering site. If any portion of the project crosses private or state lands the permittee will be responsible for contributed funds prior to letting any contract. The BLM would disburse funds for the drilling and casing of the wells and the installation of pipe and apertures for this project. Drilling depths could range from 175-300ft depending on the land formations that are encountered. Some blading may occur to access the well location. The selected routes have been approved by needed specialists. All tailings from the drilling process would be scattered as per contract specifications. Also blading may occur along pipeline the route to ensure proper bury depth of pipe. This would also allow access for maintenance. Water rights would be filed by BLM upon completion of well and tank location as specified in the cooperative agreement.

Construction activities will not occur between December 1 and March 31 to minimize impacts to wintering big game species, particularly mule deer. Construction activities will not occur between April 15 and July 15 to minimize impacts to migratory bird species and associated nesting activities.

Rahr Well #015690: The proposed action is to drill and case a well at the location shown on the attached Map. This work will be contracted by the BLM and likely will occur during the summer of 2013. The drill rig will be on the location for one to several days and will access the proposed location by existing two track roads. The approximate depth to water is estimated to be from 175-300 feet and the yield is expected to be 5 gallons per minute or more. No additional road work is necessary in order to access the site. Upon completion of the well, the permittees will be responsible for installing a pump system, including either a solar or propane generator to run the well.

Rahr Pipeline # 01569: The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The pipeline is approximately 1400 feet in length and will be constructed with 1 ½ inch HDPE SDR 13.5 pipe on public land. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. This pipeline will occur entirely on public land.

ALTERNATIVE 1 - NO ACTION: The “No Action” alternative would be considered if the effects of improved distribution and enhanced livestock water resources on public land are less than the benefits it will incur. Therefore all or part of the projects listed will not be installed and the BLM will not incur any expenses for the installation of wells and pipelines.

AFFECTED ENVIRONMENT:

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values		X	
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian		X	
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species			X
Environmental Justice			X

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: Forestry, Hydrology, Lands/Realty, Geology/Minerals, Recreation, Socio-economics.

Cultural: The proposed action was examined for cultural resources in August 2012. No cultural resources were observed in the inventoried area around the proposed well, tank, and pipeline corridor. The proposed action would have no effect to historic properties (See BLM Cultural Resources Report MT-020-12-355). Unanticipated discoveries of cultural or paleontological resources found during construction would be addressed by stipulations in EA and the rangeland management cooperative agreement for the project.

Grazing Administration: Rahr Well and Rahr Pipeline: The project is located in the Rahr Allotment No. 01419. The allotment consists of 760.51 acres of public lands rated at 94 AUMs and 1,182 acres of private lands.

Livestock Grazing: Rahr Well and Rahr Pipeline: The Rahr Allotment No. 01419 is a custodial allotment on a year around grazing season. Class of livestock permitted to graze is cattle and the terms and conditions state cattle will not be continuously on public land for the entire season.

Soils: Soils developed from the Ludlow Member of the Fort Union Formation. Two soil types are present within the project area. Dimyaw silty clay loam, 8 to 25 percent slopes which formed from residuum weathered from calcareous shale. These soils are moderately to very deep (more than 20 inches deep). The topography within this soil type is generally hills and the ecological site description is Clayey-Steep (CyStp) RRU 58A-E 10-14" p.z. (R058AE005MT). Plant growth is restricted due to slope and potential runoff. The second soil type is Lambert-Rock outcrop, soft complex, 15-70 percent slopes. This soil is 10 to 20 inches to paralithic bedrock. Plant growth is restricted on this soil due to steep slopes and potential runoff. This soil type formed from residuum weathered from calcareous siltstone. The topography within this soil type is generally hills and the ecological site description is Silty-Steep (SiStp) RRU 58A-E 10-14" p.z. (R058AE004MT).

Vegetation: The dominant grass species found on the BLM lands is Thick Spike Wheatgrass (AGDA)

combined with forbs such as Prairie Thermopsis (THRH), Wild Onion (ALTE), Dandelion (TAOF), Western Yarrow (ACMI), and Wild Celery (LOMA). The dominant shrub component found is Rubber Rabbit Brush (CHNA) and Big Sage Brush (ARTR). The Rahr Allotment was assessed in 1999 for Standards and Guidelines. The uplands were rated as being in the good to excellent range.

Visual Resource Management: The proposed project falls within a Class II VRM objective. The objective of this class is to retain the existing character of the landscape. The level of change to the characteristics landscape should be low. Management activities may be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color and texture found in the predominant natural features of the characteristic landscape.

Wildlife: The Rahr Allotment is located within mule deer crucial winter range. The allotment provides habitat for wildlife including pronghorns, mule deer, white-tailed deer, sharp-tailed grouse, turkeys, sage grouse, and numerous other non-game animals and nesting birds. Wildlife uses the area for forage and habitat. There are no known sharp-tailed grouse or sage grouse leks within the allotment, but the area is crucial winter range for mule deer. Various non-game wildlife species such as songbirds and small mammals also inhabit this area. Habitat for T&E species is not known to occur within this area.

ENVIRONMENTAL IMPACTS: Rahr Ranch Inc. (permittee)

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Livestock Grazing: The installation of these well and pipeline will improve livestock management/distribution and decrease grazing pressure in key areas, on the allotment. The new water source will redistribute livestock use away from sensitive riparian habitat and help balance the utilization of the allotment. The allotment has large stands of underutilized forage. These projects will help move and distribute cattle in these underutilized areas. Project implementation will not adjust the livestock numbers and season of use, but assist the allotment's grazing strategies in meeting resource objectives and standards for rangeland health.

Soils: Mixing of soil horizons will occur during construction of the well and pipeline. Mixing may affect productivity of surface flora and effect subsurface flora and fauna. Compaction of adjacent soils would occur due to equipment operation. Compaction may affect soil productivity until released due to natural means such as freeze – thaw cycles. Soil erosion from wind and water could occur during and shortly after project construction. Once construction is completed and vegetation is reestablished, erosion, compaction and productivity should return to natural conditions.

Vegetation: Localized vegetative disturbance will occur on the well and pipeline sites; however this impact will heal itself and become less evident with time, usually within 1 to 2 growing seasons. Vegetation disturbed on steeper slopes would potentially have a longer recovery time due to slope and potential runoff. The area around the stock tanks would receive disturbance when the pump and hydrants are open for livestock watering. These areas may become weedy with annual vegetation as a result of the livestock use, however the disturbance is considered minimal. In addition, the vegetative area in the proximity of the livestock tanks may receive heavier livestock grazing pressure. This use is expected to be within allowable use parameters and those areas that have had past heavy grazing pressure, also are expected to move into the allowable use levels.

The proposed livestock watering projects will enhance distribution throughout the allotment to areas that are

currently under utilized. Vegetation in over utilized areas around current existing water sources will receive less livestock pressure.

Visual Resource Management: The proposed pipeline would create surface disturbance, therefore, affecting the visual landscape on a short term basis by creating different soil colors on the surface. After re-vegetation of the pipeline, the pipeline should not attract the attention of the casual observer. Proper placement of the livestock watering tank will conform to line, color and texture found in the predominant feature of the landscape. Using topography and landscape, the tank will blend in with the existing landform, not attracting attention to the viewer.

Wildlife: The proposed wells will disturb some sagebrush grasslands habitat until re-vegetation occurs. Activities during well drilling and associated completion of the project will temporarily displace some wildlife species. Construction will not occur from December 1 to March 31 at the Rahr Well and Pipeline to protect big game winter range habitat. In addition, construction will not occur from May 1 to July 15 to protect migratory bird nesting activities at both locations.

Additional watering sources will be provided and will disperse utilization by livestock within this allotment. The increased distribution of livestock will relieve grazing pressures on riparian habitats, while adjacent upland areas that have been grazed lightly by livestock will be utilized to a greater extent. Overall, the range improvement projects will improve general ecological conditions and bio-diversity attributes within the allotment.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

Livestock Grazing: Livestock grazing will continue as usual without dependable water for some allotments and pastures. Current livestock water sources will continue to age and lose reliability. Once these water sources are non-operational, grazing management would need to be adjusted to meet the wildlife and domestic livestock water needs. Management flexibility would be maintained at the current level for now and decrease over time. Areas adjacent to the existing water sources would be utilized at the current degree, being heavy in some instances, increasing over time.

Soils: Plowing, tank development, compaction, and ground-cover removal would not occur. Soils would potentially decline in health because of inadequate livestock distribution.

Vegetation: Historic use pattern on upland and riparian vegetation would remain the same. Objectives would not be met to disrupt the current livestock distribution patterns to minimize over utilization on woody hardwood draws and to distribute livestock evenly on the uplands.

Visual Resource Management: No change to the visual landscape would occur.

Wildlife: The no-action alternative would result in no direct habitat loss or wildlife disturbance on public lands.

CUMULATIVE IMPACTS

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997.

Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase

recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

MITIGATION:

Cultural Resources: The individual/contractor shall immediately bring to the attention of the BLM Field Manager any and all antiquities or other items of cultural or scientific interest, including but not limited to historic or prehistoric ruins, fossils, artifacts or burials discovered as a result of his operations, and shall leave such discoveries intact until told to proceed by the BLM Field Manager

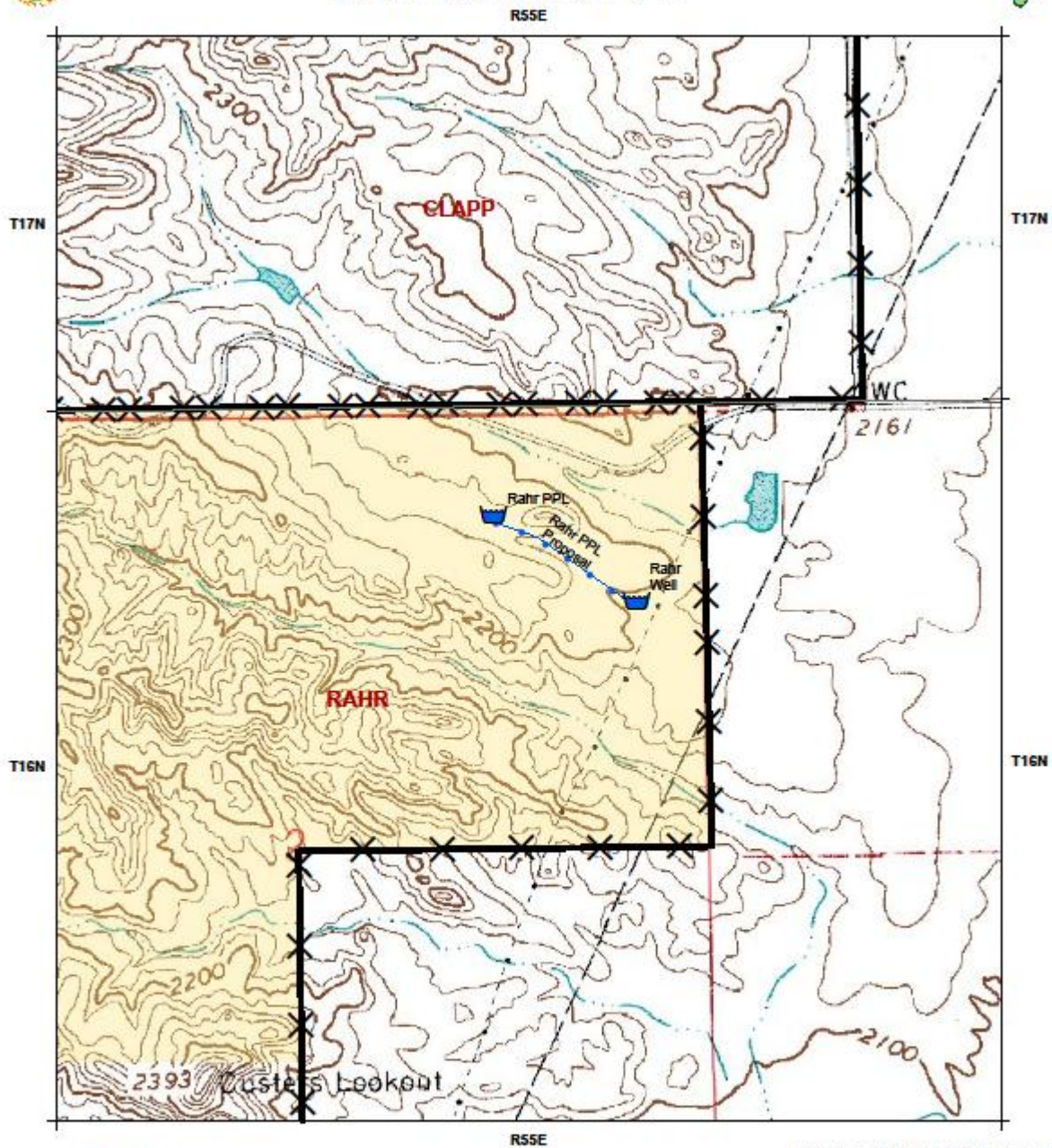
CONSULTATION/COORDINATION:

LIST OF PREPARERS:

Josh Halpin, Rangeland Management Specialist
Pat Merrill, Range Tech
Kent Undlin, Wildlife Biologist
CJ Truesdale, Archeologist
Curt Kunugi, Civil Engineer
Dena Lang, Outdoor Recreation Planner
Reyer Rens, Supervisory RMS
Kathy Bockness, Environmental Coordinator



Rahr Well and PPL

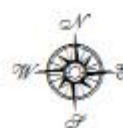


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Sept. 17, 2012

1:10,000

0 0.02 0.04 0.06 0.12 Miles



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT
Prairie Co. Projects 2013 EA
DOI-BLM-MT-C020-2013-0020-EA**

BACKGROUND

The origin of the environmental assessment was due to several requests from a grazing permittees to develop more livestock watering location to provide better distribution over the public and private lands.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that:

- (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the Big Dry Resource Management Plan/Environmental Impact Statement;
- (2) the Proposed Action is in conformance with the Resource Management Plan; and
- (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The Bureau of Land Management proposes to design, contract and inspect, upon completion, the drilling and casing of one well and installation of one pipeline. The permittee would be required to furnish the pumping systems, overflow systems and a minimum of a 1,000 gallon livestock water tank for each of the wells. The permittee would also be required to furnish a minimum of a 1,000 gallon livestock water tank at each watering site. If any portion of the project crosses private or state lands the permittee will be responsible for contributed funds prior to letting any contract. The BLM would disburse funds for the drilling and casing of the well and the installation of pipe and apertures for this project. Drilling depths could range from 250-400 ft depending on the land formations that are encountered. Some blading may occur to access the well locations. The selected routes have been approved by needed specialists. All tailings from the drilling process would be scattered as per contract specifications. Also blading may occur along the pipeline route to ensure proper bury depth of pipe. This would also allow access for maintenance. Water rights would be filed by BLM upon completion of the well and the tank location as specified in the cooperative agreement.

Construction activities will not occur between December 1 and March 31 to minimize impacts to wintering big game species, particularly mule deer. Construction activities will not occur between April 15 and July

15 to minimize impacts to migratory bird species and associated nesting activities.

Rahr Well #015690: The proposed action is to drill and case a well at the location shown on the attached Map. This work will be contracted by the BLM and likely will occur during the summer of 2013. The drill rig will be on the location for one to several days and will access the proposed location by existing two track roads. The approximate depth to water is estimated to be from 250 to 450 feet and the yield is expected to be 5 gallons per minute or more. No additional road work is necessary in order to access the site. Upon completion of the well, the permittees will be responsible for installing a pump system, including either a solar or propane generator to run the well.

Rahr Pipeline # 01569: The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The pipeline is approximately 5,280 feet in length and will be constructed with 1 ½ inch HDPE SDR 13.5 pipe on public land. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. This pipeline will cross public land. Pipeline will end at a proposed tank site on public lands.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Rahr Well and PPL 2013 EA decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

- 1. Impacts that may be both beneficial and adverse.** The EA considered both potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the Big Dry RMP.
- 2. The degree to which the proposed action affects public health and safety.** No aspect of the proposed action would have an effect on public health and safety.
- 3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no known historic or cultural resource sites that would be affected by the proposed action. A Class III inventory of the proposed locations recorded no cultural sites or paleontological localities. No cultural resource values considered eligible for the National Register of Historic Places would be affected by this undertaking (see report number listed in the environmental assessment). Unanticipated discoveries of cultural or paleontological resources found during construction would be addressed by stipulations in EA and the rangeland management cooperative agreement for the project. There are no parks, prime farmlands, or wild and scenic rivers in the planning area.
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** No unique or appreciable scientific controversy has been identified regarding the effects of the proposed action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown that there would be any unique or unknown risks to the human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Big Dry RMP.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Big Dry RMP.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources. The identified cultural properties were appropriately recorded and avoided during fieldwork.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. There are no endangered or threatened species or its habitat in the project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, or local law.



Todd D. Yeager
Field Manager
Miles City Field Office

01/14/2013

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION
Prairie Co. Projects 2013 EA
DOI-BLM-MT-C020-2013-0020-EA**

DECISION

It is my decision to select the Proposed Action Alternative as described in the Rahr Well and PPL 2013 EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the installation of one new well and one new pipeline on public lands. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Big Dry Resource Management Plan, as amended.

ALTERNATIVES

In addition to the selected alternative, the EA considered other alternatives. Alternative 1 the “No Action” alternative would be to not authorize the drilling of Rahr Well or Rahr Pipeline on public land in Dawson County.

RATIONALE FOR SELECTION

The purpose of the action is to create reliable water to provide for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would provide reliable water. The No Action Alternative would carry out no management actions thus not meeting the purpose and need of providing reliable water so that livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

CONSULTATION AND COORDINATION

The permittee’s for the propose projects including Rahr Well and Rahr Pipeline have been consulted. The Rahr Well and PPL 2013 EA was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the Rahr Well and PPL 2013 EA FONSI and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperators. Once this Cooperative Range Improvement Agreement is approved by the Authorized Officer, this gives the Cooperators authorization to proceed with the project.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager
Field Office Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.



01/14/2013

Todd D. Yeager
Field Manager
Miles City Field Office

Date

